

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JAMES M. WHORTON,

Plaintiff,

v.

JAMES PETERSON and BARTKOWIAK,

Defendants.

Case No. 1:21-cv-12011

Honorable Thomas L. Ludington  
United States District Judge

Honorable Elizabeth A. Stafford  
United States Magistrate Judge

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**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, AND DISMISSING  
PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE**

Magistrate Judge Elizabeth A. Stafford issued a Report and Recommendation (R&R) recommending that the undersigned grant Defendants' motion for summary judgment, ECF No. 20, and dismiss Plaintiff's Complaint without prejudice. ECF No. 26 at PageID.279.

Although the R&R states that Plaintiff could object to and seek review of the R&R within 14 days of service, Plaintiff did not file any objections. Therefore, he has waived his right to appeal Judge Stafford's findings. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Magistrate Judge Stafford's Report and Recommendation, ECF No. 26, is **ADOPTED**. Further, it is **ORDERED** that Defendants' Motion for Summary Judgment, ECF No. 20, is **GRANTED**. Further, it is **ORDERED** that Plaintiff's Complaint, ECF No. 1, is **DISMISSED WITHOUT PREJUDICE**.

**This is a final order and closes the above-captioned case.**

Dated: November 21, 2022

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge